

## Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 NEA-14 ISO-00 IO-14 L-03 ARA-16 EA-11

EUR-25 RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-07 PA-04 PRS-01 SP-03

SS-20 USIA-15 ACDA-19 AEC-11 CG-00 COME-00 DOTE-00

FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02

EPA-04 DRC-01 /249 W

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R 240903Z MAY 74

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 9132

INFO AMEMBASSY ABIDJAN

/AMEMBASSY DAR ES SALAAM 1023

AMEMBASSY KINSHASA

AMEMBASSY KUWAIT

AMEMBASSY NAIROBI

AMEMBASSY NEW DELHI

USUN NEW YORK 1541

AMEMBASSY TEHRAN

C O N F I D E N T I A L SECTION 1 OF 2 ADDIS ABABA 5811

USUN FOR AMB. STEVENSON

NEW DELHI PASS OXMAN

E.O. 11652: GDS

TAGS: PBOR

SUBJECT: LOS CONSULTATIONS IN TANZANIA

SUMMARY. LOS TEAM, LED BY JOHN NORTON MOORE, MET WITH FOREIGN MINISTER AND TANZANIAN OFFICIALS ON MAY 20. THREE-AND-ONE-HALF-HOUR-DISCUSSION HIGHLY USEFUL AND INDICATED HIGH-LEVEL INTEREST AND UNDERSTANDING OF LOS ISSUES AND PACKAGE DEAL IN TANZANIAN  
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GOVERNMENT. IMPORTANCE OF ADHERING TO G.A. CONFERENCE SCHEDULE

WAS AGREED BY BOTH SIDES. WARIOBA INDICATED GREATER FLIXIBILITY ON STRAITS ISSUE THAN SEEMED EARLIER TO HAVE BEEN TANZANIAN POSITION, AND ON DEEP SEABEDS INDICATED THAT HIS GOVERNMENT WAS "CONTINUING TO STUDY THE ISSUE." HE ALSO INDICATED SUPPORT FOR PROVISIONAL APPLICATION. END SUMMARY.

1. US TEAM, LED BY JOHN NORTON MOORE, THE DEPUTY SPECIAL REP. OF THE PRESIDENT FOR THE LOS CONFERENCE, AND INCLUDING BRITTIN, DUGGER, WULF, ESKIN, LEITZELL AND AMEMBASSY CHARGE, MET WITH WILLIAM MBAGO, ACTING PERMSEC, MFA; JOSEPH WARIOBA; JOHN KHAMBONA, PERMSEC FOR INFORMATION; GUS LUBABA AND FIVE OTHERS, INCLUDING TWO DEFENSE REPS FOR 3 1/2 HOURS. IN GENERAL EXCHANGE OF VIEWS, MOORE AND WARIOBA AGREED ON NEED FOR CONFERENCE TO BE COMPLETED BY 1975 AT LATEST.

2. WITH RESPECT STRAITS AND TERRITORIAL SEA, US INDICATED CONSENSUS IN CONFERENCE ON 12-MILE TERRITORIAL SEA PROVIDED OTHER IMPORTANT ISSUES SETTLED SATISFACTORILY, INCLUDING UNIMPEDED TRANSIT OF INTERNATIONAL STRAITS AND RESOURCE ISSUES. MOORE SAID OBJECTIVIZED INNOCENT PASSAGE NOT SUFFICIENT, THAT US COULD NOT AGREE TO CONVENTION WHICH DID NOT ACCOMMODATE US BASIC OBJECTIVES ON STRAITS, AND THAT PREFERABLE APPROACH WOULD BE TO SEEK MORE NEUTRAL TERMINOLOGY THAN INNOCENT PASSAGE WHILE FOCUSING ON SPECIFIC RIGHTS AND DUTIES. WITH RESPECT TO STRAITS COVERED, MOORE INDICATED THAT WE WERE CONSIDERING EXCLUDING STRAITS BETWEEN ISLAND AND MAINLAND OF SAME STATE SO LONG AS EQUALLY SUITABLE HIGH SEAS ROUTE AVAILABLE AND THAT, IF ADOPTED, THIS WOULD APPLY TO ZANZIBAR AND PEMBA CHANNELS. IN SUCH EXCLUDED STRAITS, REGIME OF NON-SUSPENDABLE INNOCENT PASSAGE WOULD APPLY. WARIOBA RESPONDED THAT AGREEMENT ON 12-MILE TERRITORIAL SEA WAS FOR TANZANIA DEPENDENT ON ACCEPTANCE OF ECONOMIC ZONE AND THAT TANZANIA HAD NEVER CONSIDERED ZANZIBAR AND PEMBA CHANNELS AS A PROBLEM SINCE THEY WERE VIEWED AS INTERNAL WATERS. HE SPECIFICALLY AGREED WITH MOORE, HOWEVER, AS TO TANZANIA'S INTEREST IN TRANSIT THROUGH STRAIT OF MALACCA. HE SAID THAT REAL QUESTION WAS TERMS OF STRAITS ARTICLE AND THE HE, TOO, DID NOT WANT NAVIGATION HINDERED, BUT THAT QUESTION WAS WHO CONTROLLED. TANZANIA WANTED COASTAL STATE TO HAVE FINAL SAY TO ENSURE IF OF PROTECTION AGAINST ACCIDENTS, POLLUTION, AND INFRINGEMENT OF ECONOMIC, POLITICAL AND SECURITY INTERESTS. CONFIDENTIAL

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ALSO SAID THAT HE SAW NO NEED FOR SAME RIGHTS FOR AIRCRAFT AND THAT THEY SHOULD BE HANDLED JUST AS AT PRESENT WHEN OVERFLYING TERRITORIAL SEA. MOORE RESPONDED THAT WE COULD ACCEPT FLAG STATE OBLIGATIONS TO ADHERE TO APPLICABLE INTERNATIONAL STANDARDS FOR PROMOTION OF NAVIGATIONAL SAFETY AND PREVENTION OF POLLUTION AND FOR STRICT LIABILITY FOR DAMAGE CAUSED BY DEVIATION FROM INTERNATIONAL STANDARDS. SAID OVERFLIGHT WAS ALSO OF VITAL CONCERN AND THAT IN AIR AGE IT WOULD SEEM

ANOMALOUS NOT TO PROTECT OVERFLIGHT AS WELL AS SHIPPING. MOORE ALSO INDICATED THAT IN VIEW OF DIFFICULTIES IN COMMUNITY ACCEPTANCE OF TANZANIAN STRAIGHT BASELINES TO PEMBA AND ZANZIBAR, TERRITORIAL SEA CONVENTION PRECEDENT THAT NAVIGATIONAL RIGHTS PROTECTED EVEN IF STRAIGHT BASELINES DRAWN, AND TANZANIA'S INTEREST IN TRANSIT OF MALACCA (WHICH HAS MAIN CHANNEL THROUGH AREA OF CLAIMED INTERNAL WATERS), US SUGGESTION OF ALTERNATE ROUTE MIGHT BE PREFERABLE LEGAL THEORY FOR TANZANIA RE PEMBA AND ZANZIBAR. WARIOBA ALSO ASKED WHETHER STRAITS REGIME COULD BE APPLIED TO INTERNATIONAL CANALS COVERED BY EXISTING TREATIES. MOORE REPLIED THAT TO ATTEMPT INCLUDE CANALS SUCH AS SUEZ AND PANAMA IN CONFERENCE MIGHT HOPELESSLY BOG DOWN CONFERENCE.

3. COASTAL RESOURCES: MOORE STATED US POSITION ON FISHERIES AND CONTINENTAL SHELF RESOURCES AND STRESSED BASIC OUTLINE OF COMPROMISE THAT WOULD GIVE COASTAL STATE ECONOMIC JURISDICTION BUT WOULD NOT AFFECT NAVIGATION, RESEARCH OR OTHER USES OF HIGH SEAS. WARIOBA SAID IT WAS SIMPLY A QUESTION OF OWNERSHIP OF RESOURCES AND THAT COASTAL STATE SHOULD BE OWNER. SAID HE SAW NO POSSIBILITY OF AGREEMENT IF COASTAL STATE RIGHTS WERE LESS THAN OWNERSHIP SINCE SOME NOW CLAIMED COMPLETE JURISDICTION BEYOND 12 MILES AND WERE UNLIKELY TO GIVE IT UP FOR LESS THAN OWNERSHIP RIGHTS. ON FISHERIES, HE SAID THAT COASTAL STATE SHOULD OWN ALL SPECIES WHEN SPECIES PRESENT IN THEIR WATERS, AND THAT COASTAL STATE SHOULD HAVE COMPLETE CONTROL OVER ANY FOREIGN FISHING. ON SHELF, HE SAID HE DID NOT WANT TO REOPEN SHELF CONVENTION AND THUS DID NOT THINK US FIVE CONDITIONS WERE NEGOTIABLE. HE SAID INTEGRITY OF INVESTMENT WAS UNACCEPTABLE SINCE IT INCOMPATIBLE WITH COASTAL STATE OWNERSHIP OF RESOURCES. MOORE POINTED OUT ADVANTAGES FOR DEVELOPING COUNTRIES OF PROVISIONS PROVIDING FOR PROTECTION OF INTEGRITY OF AGREEMENTS AND INVESTMENTS, AND THE TAN" CONFIDENTIAL

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TANZANIAN LOS TEAM SEEMED QUITE INTERESTED, DESPITE EARLIER NEGATIVE REACTION. BRITTIN DISCUSSED PROBLEMS OF MIGRATORY SPECIES AND SPECIFIC TANZANIAN PROBLEM OF GOOD FISHERIES TO NORTH AND SOUTH BUT NOT OFF ITS OWN COAST. ALTHOUGH AGREEING WITH ANALYSIS, WARIOBA RESPONDED THAT TANZANIA PREFERRED TO DEAL BILATERALLY WITH NEIGHBORS AND STRONGLY HINTED THAT TANZANIA DID NOT WANT TO HAVE TO COMPETE WITH SOVIETS AND JAPANESE UNDER PREFERENTIAL RIGHTS REGIME SUCH AS THAT PROPOSED BY US. ON HIGHLY MIGRATORY SPECIES, HE SAID THAT THERE WAS BETTER CHANCE OF COOPERATION BETWEEN GROUP OF COASTAL STATES WHO OWN RESOURCES THAN THROUGH REGIONAL OR INTERNATIONAL ORGANIZATION. LUBABA SAID THAT TANZANIA WANTED TO DECIDE IF FOREIGNERS SHOULD FISH OFF COAST AND THAT THEY SHOULD BE SUBJECT TO COMPLETE COASTAL STATE CONTROL.

4. MARINE POLLUTION AND MARINE SCIENTIFIC RESEARCH: WARIOBA RESPONDED THT HE SUPPORTED INTERNATIONAL STANDARDS BUT THAT REAL QUESTION WAS RESIDUAL RIGHTS TO SET STANDARDS. SAID COASTAL STATE ENFORCEMENT AGAINST VESSELS NECESSARY EVN THOUGH DIFFI- CULT. SAID THAT EVEN A FEW ARRESTS WOULD BE GOOD DETERRENT. LEITZELL RESPONDED THAT US HAD HAD POOR EXPERIENCE WITH COASTAL STATE ENFORCEMENT IN TERRITORIAL SEA BUT THAT PORT STATE ENFORCEMENT WOULD BE EFFECTIVEAS US HAS PROVED WITH SAFETY STANDARDS IN PAST. WARIOBA SEEMD SYMPATHETIC TO ARGUMENTS PRESENTED AS TO WHY A PORT STATE ENFORCEMENT SYSTEM WAS PREFERABLE TO A ZONAL APPROACH. WARIOBA CONCLUDED BY SAYING WE HAD COMMON OBJECTIVE TO HAVE EFFECTIVE REGIME AND THAT WE SHOULD CONSULT FURTHER ON THESE ISSUES. MOORE EXPLAINED US POSITION AND POINTED OUT THAT COMMERICAL EXPLOREERS WOULD NOT BE WILLING TO COMPLY WITH US CONDITIONS. ARIOBA SAID IT WAS NECESSARY TO REVERSE APPROACH AND PROTECT COASTAL STATE FROM INTERNATIONAL COMMUNITY. HE INDICATED INTEREST IN PRACTICAL PROBLEMS US HAS ENCOUNTERED."

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ACTION DLOS-07

INFO OCT-01 ISO-00 L-03 IO-14 AF-10 ARA-16 EA-11 EUR-25

NEA-14 RSC-01 COA-02 EB-11 OIC-04 CIAE-00 DODE-00

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SS-20 USIA-15 ACDA-19 AEC-11 CG-00 COME-00 DOTE-00

FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02

EPA-04 DRC-01 /249 W

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R 241030Z MAY 74

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 9133

INFO AMEMBASSY ABIDJAN

AMEMBASSY DAR ES SALAAM

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USUN NEW YORK 1542  
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C O N F I D E N T I A L SECTION 2 OF 2 ADDIS ABABA 5811/2

R5. DEEP SEABEDS: MOORE SET OUT US POSITION RE LICENSING SYSTEM

AND STRESSED US OPPOSITION TO ENTERPRISE WHICH COULD DIRECTLY EXPLOIT OR AUTHORITY TO REGULATE PRICES OR PRODUCTION AND INDICATED GREAT IMPORTANCE OF THESE ISSUES TO US IN WAKE OF ENERGY CRISIS. WARIOBA SAID THAT TANZANIA STILL SUPPORTED COMBINED LICENSING AND DIRECT OPERATING SYSTEM BUT THAT RECENT ENERGY CRISIS HAD CHANGED SITUATION REGARDING RAW MATERIALS AND THAT TANZANIA WAS NOW STUDYING THE PROBLEM. SAID THAT TANZANIA HAD ORIGINALLY OPPOSED DETAILED RULES AND REGS BUT THAT THEY NOW HAD OPEN MINDS, HAD HAD CONSULTATIONS DURING GROUP OF 77 MEETING (ALTHOUGH SUBJECT NOT ON AGENDA) AND WERE CONSIDERING CONFIDENTIAL

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PAPERS PRESENTLY BEING FLOATED PRIVATELY CONCERNING RULES AND REGS. SAID MAIN CONCERN WAS ABILITY TO EASILY AMEND RULES AND REGS. AT LUNCH WARIOBA INDICATED TO MOORE HE WAS SYMPATHETIC TO NEGOTIATION IN CARACAS ON RULES AND REGS. HE ALSO VOLUNTEERED DEVELOPING COUNTRIES MIGHT SUBMIT DRAFT RULES AND REGS AT CARACAS, BUT SUBMISSION UNCERTAIN AT THIS TIME.

6. AFTER MEETING WITH LOS EXPERTS, TEAM AND CHARGE MET WITH FOREIGN MINISTER, JHON MALECELA, WHO STRESSED THAT DEVELOPING COUNTRIES HAD NOT BEEN INVOLVED IN WRITING PRESENT INTERNATIONAL LAW AND THAT THEY DID NOT WANT TO MISS OPPORTUNITY OF REWRITING LAW OF SEA. SAID NEW TREATY WOULD LAST FOR DECADES. MOORE INDICATED US APPRECIATION FOR CLOSE WORKING RELATIONS WITH TANZANIAN DELEGATION AND NOTED WE HAD MANY COMMON OBJECTIVES, INCLUDING ADHERENCE TO G.A. CONFERENCE SCHEDULE. HE ALSO INDICATED SYMPATHY FOR DESIRE OF NEWER COUNTRIES TO PARTICIPATE IN FORMULATION OF INTERNATIONAL LAW BUT INDICATED IN MAKING NEW LAW WE SHOULD PRESERVE THOSE GOOD ELEMENTS FROM PRESENT LAW WHICH WERE IN COMMON INTEREST OF ALL NATIONS, MALECELA SEEMED REASONABLY WELL-INFORMED ON LOS. HE ALSO CLEARLY SIGNALLED TANZANIA WOULD BE WILLING TO ACCEPT 12-MILE TERRITORIAL SEA AND PULLBACK FROM PRESENT 50-MILE CLAIM WHEN ECONOMIC ZONE CLEARLY ACCEPTED INTERNATIONALLY.

7 AT LUCH WARIOBA INDICATED TO MOORE SYMPATHY FOR US STRESS ON DISPUTE SETTLEMENT BUT SEEMED RELUCTANT TO ACCEPT COMPULSORY ASPECT. WITH RESPECT PROVISIONAL APPLICATION, WARIOBA INDICATED HIS SUPPORT, ALTHOUGH HE ALSO INDICATED PERHAPS IT SHOULD BE APPLIED TO ADDITIONAL AREAS OTHER THAN FISHERIES AND DEEP SEABEDS. ON RULES OF PROCEDURE, WARIOBA INDICATED TANZANIAN

SUPPORT FOR GENTLEMENT'S AGREEMENT ADOPTED IN SEPARATE RESOLUTION, PERHAPS IN RESOLUTION ADOPTING RULES OF PROCEDURE, BUT SEEMED WORRIED ABOUT WHAT HE FELT TO BE DESIRE OF BIG POWERS TO GIVE CONTROL TO GENERAL COMMITTEE OF OTHER ORGANS RATHER THAN CONFERENCE AS A WHOLE.

8. WARIOBA WILL APPARENTLY LEAD TANZANIAN DELEGATION BUT MAY BE LATE IN ARRIVING AT CARACAS - POSSIBLY EVEN AFTER PROCEDURAL ISSUES COMPLETED.

9. MEETING WAS EXTREMELY CORDIAL WITH EXCELLENT RAPPORT WITH CONFIDENTIAL

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ALL MEMBERS TANZANIAN TEAM. WARIOBA MET US TEAM AT AIRPORT AND ESCORTED THEM TO AIRPORT ON THEIR DEPARTURE.

10. LOS TEAM WOULD LIKE EXPRESS ITS APPRECIATION TO CHARGE AND AMEMBASSY STAFF FOR ARRANGING EXTREMELY PRODUCTIVE MEETINGS AND FOR ASSISTANCE THROUGHOUT TEAM VISIT.

1. ACTION REQUESTED: TANZANIA QUITE SOPHISTICATED ON FISHERIES ISSUE, WHICH OF GREAT IMPORTANCE TO THEM. THEY FULLY UNDERSTAND CONCEPT OF OUR PROPOSAL BUT WERE WEAK ON DETAILS. REQUEST D/LOS, ACTING WITH L/OES, S/FW-COA AND COMMERCE, PREPARE SHORT, SIMPLIFIED WORKING PAPER EXPLAINING IN DETAIL HOW US PROPOSAL WOULD WORK IN PRACTICE WITH EMPHASIS ON COASTAL STATE RIGHTS AND CONTROLS OVER FOREIGN FISHING FOR COASTAL AND ANADROMOUS SPECIES AND FULL DESCRIPTION OF HOW PREFERENTIAL RIGHTS AND FULL UTILIZATION WOULD WORK IN PRACTICE. PAPER SHOULD ALSO CONTAIN DESCRIPTION OF REASONS WHY TANZANIA WOULD BENEFIT FROM US HIGHLY MIGRATORY POSITION.  
WYMAN

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## Message Attributes

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**Draft Date:** 24 MAY 1974  
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**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
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**Disposition Case Number:** n/a  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS CONSULTATIONS IN TANZANIA SUMMARY. LOS TEAM, LED BY JOHN NORTON MOORE, MET WITH FOREIGN  
**TAGS:** PBOR, ET, LOS  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005